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General Counsel

Security Officer, CIA

Problems Arising as Result of Provisions of Section 307(b)
of the Nationality Act of 1940.

1. The purpose of this memorandum is to call to your attention observations of the Alien Affairs Branch of this office to problems which arise as a result of the provisions of Section 307(b) of the Nationality Act of 1940 and to obtain your assistance in alleviating the problems. The observations are based upon the experience obtained by the Alien Affairs Branch in handling the operational problems relating to exit and status of aliens who are permanent residents of the United States.

2. Section 307(b) provides:

"Absence from the United States for a continuous period of more than six months but less than one year during the period for which continuous residence is required for admission to citizenship, immediately preceding the date of filing the petition for naturalization, or during the period between the date of filing the petition and the date of final hearing, shall be presumed to break the continuity of such residence, but such presumption may be overcome by the presentation of evidence satisfactory to the naturalization court that such individual had a reasonable cause for not sooner returning to the United States. Absence from the United States for a continuous period of one year or more during the period for which continuous residence is required for admission to citizenship, immediately preceding the date of filing the petition for naturalization or during the period between the date of filing the petition and the date of final hearing, shall break the continuity of such residence, except that in the case of an alien who has resided in the United States for at least one year, during which period he has made a declaration of intention to become a citizen of the United States, and who thereafter is employed by or under contract with the Government of the United States or an American institution of research recognized as such by the Attorney General, or is employed by an American firm or corporation engaged in whole or in part in the development of foreign trade and commerce of the United States or a subsidiary thereof, no period of absence from the United States shall break the continuity of residence if -

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"(1) Prior to the beginning of such period (whether such period begins before or after his departure from the United States) the alien has established to the satisfaction of the Attorney General that his absence from the United States for such period is to be on behalf of such Government, or for the purpose of carrying on scientific research on behalf of such institution, or to be engaged in the development of such foreign trade and commerce or whose residence abroad is necessary to the protection of the property rights in such countries of such firm or corporation, and

"(2) Such alien proves to the satisfaction of the court that his absence from the United States for such period has been for such purpose."

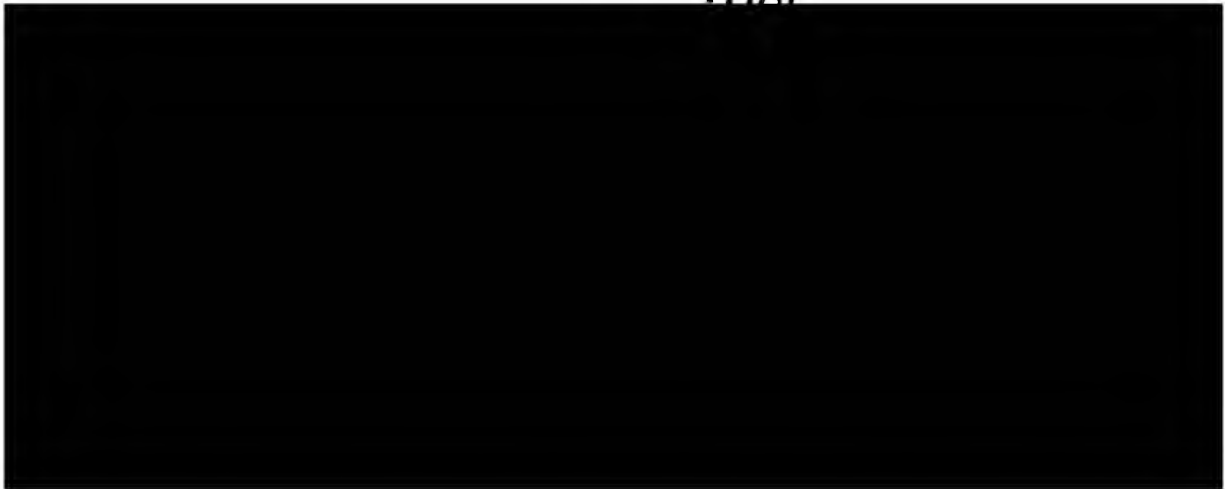
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6. It is requested that you include this in your legislative program. This office is hesitant to suggest at this time actual language to be employed but will be glad to confer with you on any language which may be employed in legislation.

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SHEFFIELD EDWARDS
Colonel, GSC

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